

Patrick J. Corbett, Esq.
 RUBIN, FIORELLA & FRIEDMAN LLP
 292 Madison Avenue
 New York, New York 10017
 Tel: (212) 953-2381

USDC SDNY
 DOCUMENT
 ELECTRONICALLY FILED
 DOC #:
 DATE FILED: 3/12/08

-----X
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

-----X
 SEA CHANGE INTERNATIONAL, INC.

: JOINT ~~PROPOSED~~ SCHEDULING
ORDER

Plaintiff,

: Docket No.: 07CV9705 (RJH)

-against-

FEDERAL EXPRESS COMPANY.

:
 :

Defendants.

-----X

Plaintiff, Sea Change International, Inc., and Defendant, Federal Express Corporation, by and through their respective counsel, propose the following scheduling order in this matter.

1. Description of the case

(a) Plaintiff: Rubin, Fiorella & Friedman, LLP, by Patrick J. Corbett, Esq.,

Defendant: Newman, Fitch, Altheim & Myers by Olivia Gross, Esq.

(b) Basis for federal jurisdiction: 28 U.S.C. §1331, breach of contract for failure to deliver air cargo in interstate commerce.

(c) Claims and Counterclaims:

Plaintiff: Defendant, after agreeing to transport, delivered the cargo in a damaged condition; accordingly, Defendant is liable for the value of the damaged cargo, in the amount of \$71,126.88.

Defendant: Failure to file claim timely; and limitations of liability in the contract of carriage.

(d) Legal Issue: Whether claim was filed timely and whether limitations of liability apply.

Factual Issue: Whether claim was timely and properly filed and the amount of damages, if any.

(e) Relief sought: Payment of value of damages.

2. (a) There are no pending motions.

(b) Cut off date for joinder of additional parties: April 7, 2008.

(c) Cut off date for amendment to pleadings: April 7, 2008.

(d) (i) Rule 26 (a)(1) disclosure: by March 31, 2008.

(ii) Fact discovery completion date: September 7, 2008.

(iii) Rule 26 (a)(2) disclosures (including expert reports):

Plaintiff, by September 30, 2008.

Defendant, by October 30, 2008.

(iv) Expert depositions to be completed by November 30, 2008.

(e) Dispositive motions by December 31, 2008.

(f) Pre-trial Order by November 30, 2008.

(g) Trial schedule

- (i) No jury trial
- (ii) 1 day
- (iii) February 15, 2009.

3. Plaintiff/Defendant counsel are consulting with their respective clients and will advise within 30 days whether or not they consent to trial by a Magistrate Judge.

4. No settlement discussion have been had. The parties request a settlement conference.

p *s. A status conference shall be held on Sept. 12, 2008 at 10:00 a.m.*

Dated: New York, New York
February 27, 2008

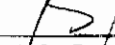
Respectfully submitted,

RUBIN, FIORELLA & FRIEDMAN LLP
Attorneys for Plaintiff
SEA CHANGE INTERNATIONAL INC.

By: 

Patrick J. Corbett, Esq. (PC2076)
James E. Mercante, Esq. (JM 4231)
292 Madison Avenue
New York, New York 10017
(212) 953-2380
Our File No.: 524-8901

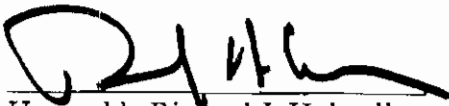
NEWMAN FITCH AUSTEIM MYERS, P.C.
Attorneys for Defendant
FEDERAL EXPRESS CORPORATION
Incorrectly sued as Federal Express Company

By: 
Olivia M. Gross, Esq. [OMG 6008]
14 Wall Street, 22nd Floor
New York, NY 10005
Telephone: 212-619-4350
Fax: 212-619-1522

Of Counsel:

Edward L. Stanton, II, Esq.
Federal Express Corporation
3620 Hacks Cross Road
Building B, Third Floor
Memphis, Tennessee 38125
Telephone: 901-434-8030
Fax: 901-434-4523

SO ORDERED:


Honorable Richard J. Holwell

3/12/08